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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,226	03/31/2004	Ralph E. Wesinger JR.	NES-014COE	7332
28661	7590	10/16/2006	EXAMINER	
SIERRA PATENT GROUP, LTD.			AHN, SANGWOO	
1657 Hwy 395, Suite 202			ART UNIT	
Minden, NV 89423			PAPER NUMBER	

2166

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/816,226

Applicant(s)

WESINGER ET AL.

Examiner

Sangwoo Ahn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
:02162005,05122005,05312005,08162005,01272006.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8 and 15, and their dependent claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 8, for a system or an apparatus or a machine to be a physical object, at least one recited element must be *hardware*. If all elements would have been reasonably interpreted in light of the disclosure by one of ordinary skill as *software alone*, the claim is directed to software *per se* and is non-statutory.

Claim 15 is rejected based on the same rationale discussed above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Number 5,832,497 issued to Jeffrey C. Taylor (hereinafter "Taylor").

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Regarding claim 1, Taylor discloses,

A method for updating personalized user information on a home page comprising:

receiving a request from a user to update the personalized information on the home page (column 4 line 35 – 37, column 5 line 18, et seq.);

retrieving a password corresponding to said user (column 3 lines 61 – 64, et seq.);

querying said user for said password (column 3 lines 3 lines 61 – 64, column 4 lines 30 – 32, et seq.);

receiving a user response to said query (column 3 lines 3 lines 61 – 64, column 4 lines 30 – 32, et seq.); and

allowing said personalized information to be updated on said home page if said user response contains said password (column 3 lines 31 – 44, column 5 line 18, et seq.).

Regarding claim 2, Taylor discloses,

said personalized information includes non-textual content (column 1 line 53, column 4 line 39, et seq.).

Regarding claim 3, Taylor discloses,

said non-textual content is uploaded to said website using a file transfer protocol (abstract line 2, column 1 line 53, et seq.).

Regarding claim 4, Taylor discloses,

said uploading of said non-textual content is performed using a password and user ID associated with said user (column 3 lines 3 lines 61 – 64, column 4 lines 30 – 32, et seq.).

Regarding claim 5, Taylor discloses,  
said personalized information includes a link to the user's e-mail address (column 5 lines 10 – 11, et seq.).

Regarding claim 6, Taylor discloses,  
said personalized information includes a URL provided by said user (column 5 lines 10 – 11; 32 – 37, et seq.).

Regarding claim 7, Taylor discloses,  
said personalized information includes a URL to the user's organization homepage (column 5 lines 10 – 11; 32 – 37, et seq.).

Claims 8 – 14 are essentially the same as claims 1 – 7 except they set forth the limitations as “an apparatus” rather than a method, therefore, rejected based on the same rationale discussed in claims 1 – 7 rejections.

Claims 15 – 21 are essentially the same as claims 1 – 7 except they set forth the limitations as “an apparatus” rather than a method, therefore, rejected based on the same rationale discussed in claims 1 – 7 rejections.

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**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sangwoo Ahn  
Patent Examiner  
AU 2166

10-6-2006 SW



**MOHAMMAD ALI**  
**PRIMARY EXAMINER**